

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 11/22/04
8. DOCKET NO: Z-01699804	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: NICHOLS, KAMILAH

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT STATES CAN'T GIVE DUQUESNE LIGHT CO. \$300 RIGHT NOW. SHE WOULD LIKE SOME HELP WITH HER ELECTRIC BILL.

DOCUMENT
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DOCKETED
DEC 09 2004

ORIGINAL

Z-01699804

Pennsylvania Public Utility Commission

Formal Complaint Form

Please Print.

1. Your name, mailing address, telephone number and utility account number:

Name Kamilah Nichols

Street/P.O.Box 39 South First Apt # 1

City Duquesne State PA Zip 15110

County Allegheny

Area Code/HOME Phone 412-466-1819 Area Code/WORK Phone 0

Utility Account Number 2001-279-681-001

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name NO

Street/P.O. Box _____

City _____ State _____ Zip _____

2. **NAME of utility company** your complaint concerns: Duquesne Light Co.

3. Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

ELECTRIC

SEWER

TELEPHONE - (LOCAL OR LONG DISTANCE)

RECEIVED
2004 NOV 22 AM 9:33
SECRETARY'S BUREAU

4. What is your complaint? (Use additional paper if you need more space and provide copies of any relevant documentation you believe will support your complaint).

I am not work because I am have a Baby
and I can't give them 300,00 at this time
Please help me I am on public assst

5. What do you want the Public Utility Commission to do about your complaint?
(Use additional paper if you need more space).

to help me with
my electric Bill because I really need help
So can you please help me. If you can thank you

6. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my
knowledge. I understand that I could be punished under Pennsylvania State Law
if I purposely give false information.

Samilah Tucker
Signature

11/19/04
Date

7. If you are represented by a lawyer in this matter you must provide your lawyer's name,
address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

8. Mail to:

Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

If you have additional questions about filling out this form, please contact the
Secretary's Bureau at 717-772-7777.

NOTIFICATION OF INTENT TO APPEAL
(Request for Formal Complaint Forms)

Notice to Customer:

If you sign and return this form, you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within 20 days of 10/18/2004. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments or the utility company may pursue the termination of your service.

Thank You
Pennsylvania Public Utility Commission

Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

KAMILAH L NICHOLS
319 S 1ST ST
UNIT 1
DUQUESNE PA 15110 - 1184

412-466-1819
(Area Code) Telephone Number

Kamilah Nichols
Signature

Mail this completed form to:

Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

ST Number:	1699804	Date of mailing:	10/18/2004
Company:	DUQUESNE LIGHT COMPANY		

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 4, 2004

ST1699804

KAMILAH L NICHOLS
319 S 1ST STREET UNIT 1
DUQUESNE PA 15110-1184

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before November 24, 2004 to the address listed below:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.

- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.
- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

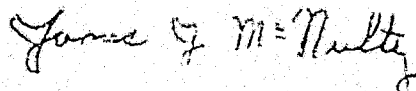
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty
Secretary

DDI

cc: Duquesne Light Company

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: DECEMBER 10, 2004

KAMILAH NICHOLS
Complainant

VS.

DUQUESNE LIGHT COMPANY
Respondent

Complaint Docket
No: Z-01699804

DOCUMENT
FOLDER

DOCUMENT
DEC 09 2004

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: DUQUESNE LIGHT COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

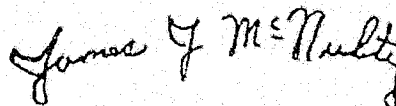
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: DECEMBER 10, 2004

Z-01699804

MORGAN O'BRIEN PRESIDENT
DUQUESNE LIGHT COMPANY
411 7TH AVENUE 16-1
PITTSBURGH PA 15219-1905

DOCUMENT
FOLDED

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by KAMILAH NICHOLS. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

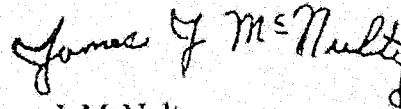
DECEMBER 10, 2004

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,



James J. McNulty
Secretary

JH



Duquesne Light

Our Energy. Your Power

Regina M. Sestak
Assistant General Counsel

Legal Department
411 Seventh Avenue 8-2
Pittsburgh, PA 15219
ORIGINAL

Tel 412-393-1546
Fax 412-393-1418
rsestak@duqlight.com

December 28, 2004

RECEIVED

DEC 28 2004

Certificate of Mailing

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Kamilah Nichols v. Duquesne Light Company
Docket No. Z-01699804

Dear Secretary McNulty:

Enclosed for filing in the above-referenced matter are an original and three copies of Duquesne Light Company's Answer and New Matter. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,

Regina M. Sestak
Assistant General Counsel
Duquesne Light Company

**DOCUMENT
FOLDER**

encl

c: Kamilah Nichols (w/enclosure)

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DEC 28 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KAMILAH NICHOLS,)
)
Complainant,)
)
v.)
)
DUQUESNE LIGHT COMPANY,)
)
Respondent)

Docket No. Z-01699804

ANSWER AND NEW MATTER

TO THE HONORABLE COMMISSION:

AND NOW comes the Respondent, Duquesne Light Company, by and through its attorney, Regina M. Sestak, and files the within Answer and New Matter of which the following is a statement:

Answer

1. Admitted. However, Complainant's name appears on Respondent's account records as Kamilah L. Nicholas. Complainant's averment, "no" is apparently intended to mean that Complainant's mailing address is the same as the address where her utility service is provided. If so, this averment is admitted to the extent that Respondent has no other mailing address for her.

2. Admitted.

3. Admitted.

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DEC 28 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

4. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that she is not working because she has a baby, and this averment is therefore denied.

Complainant's averment, "I can't give them \$300.00 at this time," is a statement of opinion to which no response is required. By way of further response, this averment is an apparent reference to the Public Utility Commission (PUC) Bureau of Consumer Services (BCS) decision at BCS Case Number: 1699804, which required Complainant to make a Customer Assistance Program (CAP) catchup payment of \$320.00 by November 19, 2004, and then pay her regular monthly CAP payment plus \$15.00 beginning with her bill due in December, 2004. By way of background, Complainant was accepted into Respondent's CAP effective August 15, 2003. Complainant's CAP payment arrangement required her to pay 70% of the regular budget amount, which is an average based upon usage that is recomputed monthly and is therefore subject to change. At the time of the BCS decision, this CAP amount was \$30.00 a month. A copy of the printout evidencing the BCS decision, which was transmitted to Respondent electronically, is attached hereto, incorporated herein, and marked Exhibit 1.

Complainant's averment, "Please help me," is a request for relief to which no response is required.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "I am on public asst.," and this averment is therefore denied.

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5. To the extent this paragraph contains requests for relief, no response is required.

Complainant's averment, "[i]f you can thank you," is an expression of gratitude to which no response is required.

WHEREFORE, Respondent requests that after reasonable investigation and hearing the Complaint be dismissed.

New Matter

6. Paragraphs one through five above are hereby incorporated by reference.

7. Since the BCS decision went into effect, Respondent has not received any payments on the account in question.

8. On December 14, 2004, Complainant was defaulted from CAP for failure to pay.

9. The BCS Decision is an inappropriate payment arrangement because Complainant has defaulted from CAP and because Section 1405 of the Responsible Utility Customer Protection Act, Act 201 of 2004, provides that customer assistance program rates shall not be the subject of payment agreements negotiated or approved by the Commission.

WHEREFORE, Respondent requests that the Commission:

- 1) issue an interim order that directs Complainant to make payments for current consumption, pending further order on her complaint;
- 2) authorize Respondent to terminate service to Complainant prior to hearing in the event that Complainant fails to make payments as

SECRETARY'S BUREAU
P.A.P.U.C.
(2)

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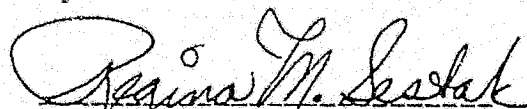
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JAN 12 2005

directed in any interim order issued under (2), above or, if no interim order is issued, payments for current consumption; and

3) require Complainant to make a lump sum payment of the amount due and payable to Respondent pursuant to any interim order issued under (2), above, or, if no interim order is issued, the amount accrued for current consumption that remains unpaid as of the date of hearing or date of final order.

Respectfully submitted:

DUQUESNE LIGHT COMPANY
By Counsel:



Regina M. Sestak
Pa. I.D. # 23632

Duquesne Light Company
411 Seventh Avenue, 8-2
Pittsburgh, PA 15219
Telephone: (412) 393-1546
FAX (412) 393-1418

Kamilah Nichols informal decision

Resolution Complaint For: Customer NICHOLS, KAMILAH - ILS #: 1079007 - ACCY #: 2001279681001

General/Open Information | Payment Information | Policy Agreements | Final Report/Disposition
 Department/Employee Contacts, Problems and Complaints | Investigative Contacts | Closing Information

Status: Receipt of FUC Decision Date Sent: 07/23/2004 Date Closed: 10/18/04 Closing Date Received: 10/18/04 14:46:05

Justified: Informed Justification: No Reason Justified: None not justified Error Code: None

Decision: Written Decision Balance: \$445.44 Balance Date: 07/23/04

Requested:	Awarded: \$320.00	Diff. Request:	Date Awarded: 11/19/04	Service Factor: 25.00
Budget Payments:	Request: \$300.00	Agency Paid: \$115.00	Special: \$45.00	Month: 10/00
			10/00	10/00

Decision Type: CAP PARTIAL CATCH UP

Term: DECEMBER 2004

Resolution: CL TO PAY 300 (250 + 2 CAP PMTS) UPFRONT CAP PMT BY 11/19/04. THEN CAP AMT 20.15 TOWARDS CAP BAL REG DECEMBER 2004. CAP PMTS

Taskbar: [Start] [Petersburg Post-Sentinel] [143270 - A-113635] [James M Pool - Inbox (1...)] [Document1 - Microsoft ...] [cupuchno - \\Remote] [8:50 AM]

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 04 DEC 30 AM 9:09
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 SECRETARY'S BUREAU

EXHIBIT

 PERSO BUREAU N

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AL

AFFIDAVIT

I, Joseph W. Smetanka, being duly sworn according to law depose and say that I am authorized to make this affidavit on behalf of Duquesne Light Company being the holder of the office of Assistant Vice President - Customer Services with that corporation, and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and Duquesne Light Company expects to be able to prove the same at any hearing hereof.

Joseph W. Smetanka
Joseph W. Smetanka

Sworn and subscribed before me this 23rd day of December, 2004.

Mary Jane Hammer
Notary Public

My Commission Expires Oct. 6, 2007

SECRETARY'S BUREAU
P.A.F.U.C.

04 DEC 30 AM 9:09

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COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Mary Jane Hammer, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Oct. 6, 2007

Member, Pennsylvania Association Of Notaries

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KAMILAH NICHOLS,)
)
 Complainant.)
)
 v.)
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

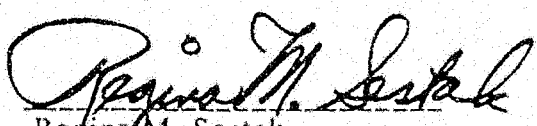
Docket No. Z-01699804

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 PA. Code § 154 (relating to service by a participant).

Kamilah Nichols
319 South First Street, Apt. 1
Duquesne, PA 15110

Dated this 28th day of December, 2004.



Regina M. Sestak
Pa. I.D. # 23632
Duquesne Light Company
411 Seventh Avenue
Mail Drop 8-2
Pittsburgh, PA 15219
Telephone: (412) 393-1546
FAX (412) 393-1418

SECRETARY'S BUREAU
P.A.P.U.C.

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SEAL



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 3, 2005

In Re: Z-01699804

(SEE ATTACHED LIST)

Kamilah Nichols v. Duquesne Light Company

Requests payment arrangements.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing
Date: Thursday, March 3, 2005
Time: 10:00 a.m.
Presiding: Administrative Law Judge John H. Corbett, Jr.
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

The judge will be presiding as authorized by
52 Pa. Code §56.174.

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCKETED
FEB 17 2005

**DOCUMENT
FOLDER**

At the above date and time, the Presiding Officer will contact the parties as follows:

Monica Wayne	412.461.6716
Regina M. Sestak, Esquire	412.393.1546

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Corbett
Susan Licon
Beth Plantz
Docket Section
Calendar File

#391091 rev 11/03